

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICARDO CAPELLO,

Plaintiff,

V.

LESLIE SZIEBERT et al.

## Defendants.

CASE NO. C13-5275 BHS-JRC

## ORDER

11 This matter comes before the Court on the Report and Recommendation (“R&R”)  
12 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 38. The Court  
13 having considered the R&R and the remaining record, and no objections having been  
14 filed, does hereby find and order as follows:

- (1) The Court adopts the R&R;
- (2) The Court will take no action on the motion because the terms of the agreement have not been fulfilled. Further, these terms may never be fulfilled. The motion is removed from the docket.

DATED this 20th day of August, 2013.

  
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BENJAMIN H. SETTLE  
United States District Judge

## ORDER